

the State and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1923, and ending August 31, 1925, as follows, to wit: Confederate Woman's Home; State Confederate Home; State Lunatic Asylum; State Pastoral Institute; Southwestern Insane Asylum; North Texas Hospital for the Insane; East Texas Hospital for the Insane; State Epileptic Colony; State Orphan's Home; State Institution for Training of Juveniles; Girls' Training School; State Colony for Feeble Minded; State Tuberculosis Sanitorium; Hospital for Crippled Children; Deaf, Dumb and Blind Institute for Colored Youths; Northwest Texas Insane Asylum; State Home for Dependent and Neglected Children; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

SECOND DAY.

Senate Chamber,
Austin, Texas.

Tuesday, April 17, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Lewis.
Baugh.	McMillin.
Bowers.	Murphy.
Burkett.	Pollard.
Clark.	Ridgeway.
Cousins.	Strong.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wood.
Holbrook.	Woods.

Absent.

Darwin.	Rice.
Parr.	Stuart.
Rogers.	Wirtz.

Absent—Excused.

Bledsoe.	Witt.
Davis.	

Prayer by the Chaplain.

Pending reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Wirtz for today and until Thursday, on account of important business, on motion of Senator Bailey.

Senator Bowers for today, on account of attendance upon the State Text Book Board, on motion of Senator Ridgeway.

Senators Rice and Rogers for today and indefinitely, on account of important business, on motion of Senator Wood.

Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows:

By Senators Floyd, Fairchild, and Pollard:

S. B. No. 9, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two years, ending August 31, 1924, and August 31, 1925, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished, and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid, giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may

receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith."

To Committee on Finance.

By Senator Floyd:

S. B. No. 10, A bill to be entitled "An Act to amend Article 376 of Chapter 6, Title 8, of the Penal Code of the State of Texas, 1911, by adding thereto a provision permitting majority of board of trustees of independent school districts to select as depository of such independent school district a bank of which not more than two members of such board of trustees are officers or stockholders and declaring an emergency."

To Committee on Educational Affairs.

By Senator Thomas:

S. B. No. 11, A bill to be entitled "An Act providing additional means for the collection of taxes on personal property and poll taxes which have been reported on the insolvent list as uncollected following the 31st of March of each year by the county tax collectors of the State of Texas and also for the collection of taxes on personal property having escaped taxation, and declaring an emergency."

To Committee on State Affairs.

By Senator Fairchild:

S. B. No. 12, A bill to be entitled "An Act abolishing capital punishment for crime committed in this State; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Wood:

S. B. No. 13, A bill to be entitled "An Act prohibiting the Board of Prison Commissioners from making any payment, settlement, trade or transaction whatsoever, with respect to three certain notes heretofore executed by the Board of Prison Commissioners in the sum of \$31,250.00 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company or order, and claimed to have been executed by the Board of Prison Commissioners for certain cotton seed oil mill properties situated in Richmond, Fort Bend County, Texas, claimed to have been purchased by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company, and one certain other note in the sum of \$39,000.00, payable to Bassett Blakely or order and executed by the Board of Prison Commissioners in payment for certain mules and horses purchased from Bassett Blakely by the Board of Prison Commissioners in January, 1923; and creating an emergency."

To Committee on State Penitentiaries.

By Senators Doyle and Bowers:

S. B. No. 14, A bill to be entitled "An Act authorizing the board of directors to purchase additional lands adjacent to the Agricultural and Mechanical College of Texas, the title to said lands to be taken in the name of the board of directors and their successors, and said lands to be subject to the control of said board of directors; said lands comprising approximately three hundred and eighty-three (383) acres in several tracts whose ownership or description is herein indicated; providing for the purchase from the different owners and authorizing condemnation proceedings in case the price of the several tracts cannot be agreed upon between the respective owners and said board of directors; providing the manner of drawing vouchers and approving the title of said lands by State officials, making an appropriation for the purchase of said lands out of the general revenues, and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Ridgeway:

S. B. No. 15, A bill to be entitled "An Act making it unlawful for any

person, firm or corporation to sell, or offer for sale for human consumption any milk which has been so treated by any artificial means or process, as to cause same to have the appearance of containing more cream or butter fat than it actually contains and providing appropriate penalty for the violation thereof, and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Clark:

S. B. No. 16, A bill to be entitled "An Act providing that all fees remitted by county superintendants to the State Department of Education for teachers examinations authorized in Section 7, Chapter 129, of the General Laws of the Regular Session of the Thirty-seventh Legislature, also all fees remitted to the State Department of Education by conductors of Summer Normal Institutes, and also any other fees collected by the State Department of Education for any purpose whatsoever, shall be paid to the State Treasurer, and providing that such fees shall be approximated and expended by the Legislature from time to time, and declaring an emergency."

To the Committee on Finance.

By Senator Clark:

S. B. No. 17, A bill to be entitled "An Act amending the Act passed by the Thirty-eighth Legislature at its Regular Session, approved January 31, 1923, the same being H. B. No. 17, entitled 'An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable, advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this Act, and declaring an emergency,' amending said Act so as to reduce the appropriation made therein to fifty thousand dollars and providing that the work required by said amended Act be done

by the State Reclamation Engineer entirely and the money appropriated to be available for said purpose through said Reclamation Engineer; and declaring an emergency."

To the Committee on State Affairs.

Simple Resolution No. 9.

By Senator Wood:

Resolved, That W. V. Howerton be allowed pay for clerical services rendered the Senate Finance Committee from April 12th to April 15th, both days inclusive, at the rate of \$7.50 per day, payable out of the mileage and per diem fund of the Second Called Session of the Thirty-eighth Legislature.

The resolution was read and adopted.

Senate Simple Resolution No. 10.

By Senator Woods:

Be it Resolved, That Senate Rule No. 94 be amended so as hereafter to read as follows:

"Rule 94. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question: 'Shall the main question be now put?' And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate to a direct vote; first, upon pending amendments and motions, if there be any, then upon the main proposition, except that if there has been no debate on the proposition on which the previous question has been ordered, it shall be in order before the final vote is taken thereon, to debate the propositions to be voted on for thirty minutes, one-half of such time to be given to debate in favor thereof, and one-half to debate in opposition to such proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion."

The resolution was read and referred to the Committee on Rules.

Standing Committees.

The following is a revised list of the standing committees of the Senate, and is printed by order of the Chair, for information of the members of the Senate:

Agricultural Affairs: Cousins, Chairman; Parr, Vice-Chairman; Pollard, Stuart, Clark, Fairchild, Darwin, McMillin.

Civil Jurisprudence: Bailey, Chairman; Burkett, Vice-Chairman; Bowers, Fairchild, Bledsoe, Murphy, Lewis, Holbrook, Woods, Wirtz.

Counties and County Boundaries: Strong, Chairman; Burkett, Vice-Chairman; McMillin, Turner, Dudley.

Constitutional Amendments: Woods, Chairman; Turner, Vice-Chairman; Davis, Witt, Doyle, Bledsoe, Thomas, Murphy, Baugh, Wirtz.

Contingent Expenses: Rogers, Chairman; Witt, Vice-Chairman; Watts, Clark, Pollard, Wirtz.

Commerce and Manufactures: Darwin, Chairman; Fairchild, Vice-Chairman; Burkett, Bowers, Wirtz.

Criminal Jurisprudence: Turner, Chairman; Woods, Vice-Chairman; Witt, Strong, Baugh, Thomas, Pollard, Davis, Ridgeway, Parr.

Educational Affairs: Wood, Chairman; Darwin, Vice-Chairman; Rogers, Burkett, Stuart, Floyd, Thomas, Cousins, Wirtz, Fairchild.

Engrossed Bills: Doyle, Chairman; Strong, Vice-Chairman; Thomas.

Enrolled Bills: Darwin, Chairman; Rice, Vice-Chairman; Lewis.

Federal Relations: Stuart, Chairman; Ridgeway, Vice-Chairman; Bailey, Pollard, Bledsoe, Woods.

Finance: Wood, Chairman; Dudley, Vice-Chairman; Clark, Ridgeway, Parr, Burkett, Woods, Floyd, McMillin, Rogers, Cousins, Fairchild, Witt, Darwin, Holbrook, Stuart, Lewis.

Insurance and Banking: Holbrook, Chairman; Rogers, Vice-Chairman; Davis, McMillin, Wood, Stuart, Thomas, Floyd, Baugh, Watts, Bowers, Fairchild, Wirtz, Clark.

Internal Improvements: Fairchild, Chairman; McMillin, Vice-Chairman; Rice, Bailey, Parr.

Judicial Districts: Pollard, Chairman; Fairchild, Vice-Chairman; Bowers, Davis, Doyle, Stuart, Wirtz.

Labor: Murphy, Chairman; Cousins, Vice-Chairman; Davis, Fairchild, Stuart.

Mining, Irrigation and Drainage: Bledsoe, Chairman; Holbrook, Vice-Chairman; Burkett, Parr, Dudley, Baugh, Wirtz, Bowers.

Representative Districts: Rice, Chairman; Pollard, Vice-Chairman; Strong.

Military Affairs: Baugh, Chairman; Fairchild, Vice-Chairman; Rogers, Pollard, McMillin.

Nominations by the Governor: Floyd, Chairman; Thomas, Vice-Chairman; Darwin, Watts, Lewis, Wood, Fairchild, Holbrook, Bledsoe, Wirtz.

Privileges and Elections: Davis, Chairman; Baugh, Vice-Chairman; Watts, Bailey, Parr, Turner.

Public Buildings and Grounds: Bowers, Chairman; Wood, Vice-Chairman; Stuart, Doyle, Floyd.

Public Printing: Wirtz, Chairman; Murphy, Vice-Chairman; Bowers, Clark, Rogers.

Public Land and Land Office: Thomas, Chairman; Turner, Vice-Chairman; Dudley, Wood, Parr, Clark.

Public Health: Clark, Chairman; Holbrook, Vice-Chairman; Bledsoe, Floyd, Ridgeway, Wirtz.

Public Debts, Claims and Accounts: Watts, Chairman; Bowers, Vice-Chairman; Darwin.

Roads, Bridges and Ferries: Burkett, Chairman; Floyd, Vice-Chairman; Davis, Strong, Clark, Holbrook, Cousins, Ridgeway, McMillin.

Rules: Rogers Chairman; McMillin, Vice-Chairman; Witt, Lewis, Bowers, Wirtz.

Senatorial Districts: Rice, Chairman; Doyle, Vice-Chairman; Murphy, Bailey, Bledsoe, Pollard.

State Affairs: Witt, Chairman; Ridgeway, Vice-Chairman; Darwin, Strong, Stuart, Rogers, Floyd, Clark, Davis, Wirtz, Pollard, Baugh, Wood, Holbrook.

State Institutions and Departments: McMillin, Chairman; Stuart, Vice-Chairman; Bledsoe, Fairchild, Burkett.

State Penitentiaries: Lewis, Chairman; Witt, Vice-Chairman; Woods, Wood, Rice, Fairchild, Holbrook, Watts, Baugh.

Stock and Stock Raising: Parr, Chairman; Bowers, Vice-Chairman; Baugh, Dudley, Woods, Bledsoe, Clark, Rice.

Town and City Corporations: Ridgeway, Chairman; Davis, Vice-

Chairman; Murphy, Turner, McMillin.

Congressional Districts: Bledsoe, Chairman; Floyd, Vice-Chairman; Pollard, Strong, Doyle, Lewis, Woods.

Recess.

On motion of Senator Clark, the Senate, at 10:20 a. m., recessed until 3 p. m. today.

Afternoon Session.

The Senate met at 3 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

Simple Resolution No. 11.

By Senator Doyle:

Whereas, There are no funds in the State Treasury now available to pay the warrants of the members and employees of the Senate of Texas; and

Whereas, It is not just to the members and employees of the Senate to be compelled to wait for an indefinite time for the payment of these warrants, nor is it just for them to be compelled to discount the same; therefore, be it

Resolved, That a committee of three Senators be appointed by the Lieutenant Governor, to ascertain what arrangements, if any, can be made with any bank or banks of Austin, to cash these warrants, and report same back to the Senate as soon as possible.

The resolution was read and referred to the Committee on Contingent Expense.

Message from the Governor.

A messenger from the Governor appeared at the bar of the Senate, and, being duly announced, presented a message from the Governor.

Senator Burkett moved that the message be not read, but be printed in the Journal.

Senator Floyd moved that the message be read, and the motion carried.

(Senator Holbrook in the Chair.)

The message was accordingly laid before the Senate, and read as follows:

Governor's Office,

Austin, Texas, April 16, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session:

Gentlemen: During the days of Roman splendor, it was said that Cato the Censor, never made a speech in behalf of Rome in which he did not declare, "Carthage must be destroyed." During recent years in this State, the great rank and file of our people have been declaring with the zeal and earnestness of the distinguished Roman, that the spirit of lawlessness, and the spirit of disrespect for governmental authority in Texas, must be destroyed. The adverse criticism of those who have taken their stand on the other side of this supremely important question has neither turned its champions and defenders from their course, nor discouraged them as to the ultimate triumph of this just and righteous cause. Therefore, in the name of the proponents of law and order in this State, I come for the fourth time to present briefly certain specific phases of law enforcement to the attention of the Legislature.

The law may not lead civilization, but it is always found co-equal and co-extensive with it. Where there is no law there is no civilization. While freedom is frequently won by force of arms, it is always preserved by the law. Liberty and law walk arm in arm down the ringing corridors of time. When a people lose their vision of the supremacy of the law, they are headed straight for the rocks of destruction.

The Constitution of a country is a sacred document. There is no one part of the Constitution to be observed with more fidelity than any other part of it. It is bad enough to violate our statutory law. It is more reprehensible, however, to disregard our constitutional inhibitions. We have but one Constitution for the National, but one Constitution for the State, and each and every part of these documents is binding on all the people. Both the National and State Constitutions prohibit the manufacture and the sale of intoxicating beverages; therefore, every man who loves his country, or respects her laws, should now be an active defender of this constitutional provision. No full fledged, red blooded son of Texas should encourage by voice or aid by vote, the liquor traffic. No man, or group of

men, should be permitted to nullify the Constitution of the country, or defy the law of the land.

By constitutional and statutory enactments, the bootlegger is now the outlawed enemy of civilization. He prostitutes statemanship with ill-gotten gold, he debauches official life with polluted politics, he pulls down the flag of the State with traitorous hands, and laughs to scorn the Constitution of his country. He combines the spirit of the Bolshevik and the anarchist. There should be no spot on Texas soil where the bootlegger should be permitted to stand and conduct the nefarious business. He is an enemy to our civilization and no one should, by word or act, make easy his pathway.

If the moonshiner is caught making whiskey, or the bootlegger is apprehended handling it, he should be, when this is proven on him, sent to the penitentiary, unless he is able to explain to the satisfaction of an unprejudiced jury that he was making, or handling it, within the law. When a person is found in a public place with concealed weapons on his person, he is convicted, unless he can prove that he had a right to carry the weapon. When a person is found with stolen property in his possession, he is adjudged guilty under the law unless he can explain to a court and jury how and why the stolen property came into his possession. By exactly the same rules of evidence, the moonshiner and the bootlegger should be tried. The booze business in Texas will not be stopped until we have a law of this kind. It is indeed a sad commentary that we have come upon a day when the liquor influence of this State is so strong that the people who wrote the prohibition law are unable to get adequate legislation for its enforcement. Our prohibition law is not the edict of a king. The people who own this government went to the ballot box, the last resort of freemen, except the battlefield, and wrote with their own hands this prohibition law into the fundamental principles of their government. Therefore, the people who made this law have a right to look to their public servants for whatever laws are necessary to adequately enforce this constitutional provision.

Officers of the Law Should Enforce the Law, or be Put Out of Office.

Neither the prohibition law, nor any other law, is automatic in its enforcement. A law cannot put on its hat and walk out of the statutes and enforce itself. Laws can only be given life by official action. Therefore, officers are elected by the people and charged with the responsibility of enforcing the law. They are the agents of the people. The people placed their trust in them by making them guardians of their property, their liberty, and their lives. There is no channel through which the law can be enforced except by authority and power vested in the officers. For this high purpose the resources of the State and the powers of the government are placed at their command. The officer who keeps his eye shut to the law and connives at its violations, should not be permitted to receive the emoluments of office. The officer who is unwilling to enforce the law, should be stripped of every official power and every insignia of office. When an officer willfully and corruptly fails and refuses to enforce a law, he should be ousted from office.

Ouster Proceedings.

The Attorney General of the State should be authorized to go into the open court room, before judge and jury, and if he proves to twelve men in the jury box that an officer has willfully and corruptly failed and refused to enforce the law, then in that event said defaulting officer should be ousted by order of the court. In order that the State and the defendant may each get a fair trial, the Attorney General, if he so desired, should have the authority to institute ouster proceedings in a county other than the residence of the officer to be tried. Similar proceedings as to where a person may be tried, may now be instituted in criminal assault cases, in conspiracy, in pandering, in misapplication of public funds, in violation of anti-trust laws, in abduction, in kidnapping, in violation of the highway law and in several other offenses against the laws of Texas. There is no use to try an officer in his own county. The very fact that a county has an officer who refuses to enforce the law, is strongly suggestive that the

State would not get a fair trial in an effort to enforce the law. Try him where both the State and the defendant can have a fair and impartial trial. If you try him in his own county, where all his friends, relatives, supporters, and henchmen live, he can easily get one juror out of the twelve who will hang the jury. A bill thus providing for the removal of officers is not needed in many counties, but in some counties it is badly needed. It will not hurt the good officers. The corrupt, dishonest officers are not entitled to be protected in their official misconduct.

Certainly no member of the Thirty-eighth Legislature should object to the passage of a bill providing for the removal of officers on the ground that the venue of such a suit is placed in a neighboring county to the county in which the officer resides, because at the regular session of this Legislature, Senate Bill No. 34, passed the House and Senate without a dissenting vote. That bill pertained to the prosecutions, or quo warranto proceedings relative to the forfeiture of charters of domestic corporations and contained the following provision:

"Article 7801. For a violation of any of the provisions of this Chapter, or any anti-trust laws of this State, by any corporation, it shall be the duty of the Attorney General, when in his judgment the public interests requires it, upon his motion and without leave or order of any judge or court, to institute suit or quo warranto proceedings in Travis County, or at the county seat of any county in the State which the Attorney General may select, for the forfeiture of its charter rights and privileges, and the dissolution of its corporate existence, and for such purposes venue is hereby given to each district court in the State of Texas."

There was no objection to the passage of the above mentioned bill, notwithstanding it gave to the Attorney General the authority to institute suit, or quo warranto proceedings either in Travis County, or in any other county of the State.

That there is necessity for the passage of a law providing for the removal of officers against whom it can be proven that they willfully and corruptly refused to enforce the law, there can be no question. This is

no indictment against all the officers of Texas, but it can be truthfully stated that there are officers in certain localities who openly and arrogantly, willfully and corruptly, fail and refuse to uphold and enforce the law. They protect the criminal and neglect the public. Instead of enforcing the law, they stand in the way of the law. This statement is made after investigation and with a full understanding of its meaning.

You may not know it, but it is a fact that there are places in Texas where the booze traffic is protected by official life. Officers of the law should not shield crime anywhere. To protect or make easy violations of the prohibition law, is to encourage lawlessness. Whoever encourages lawlessness strikes at the very heart of his own government.

State Sovereignty in the Enforcement of the Law.

Argument has been made by some people that the officers and the people of the respective counties are the judges as to how the laws should be enforced in their respective counties; that the enforcement of the laws in these counties is not a matter in which the State should interfere; and that for the State to do so is a violation of the fundamental principles of local self-government. There is no such thing as local self-government in regard to violations of the law. Our government was not instituted to favor criminals, but to protect the law-abiding. Every crime that is committed is a crime against the State. The State enacts laws, not the counties. The State is the sovereign government. Counties are but political subdivisions of the State, made by the State for the convenience of the State in the administration of the government. Counties elect their officers, but elect them to enforce State laws. Every indictment charging an offense against the law begins in the name of the State and closes against the peace and dignity of the State. Every person in the penitentiary was sent there in the name of the State, not in the name of the county. The State pays the expenses of the sheriff who arrests him, of the judge who tries him, and of the penitentiary authorities who keep him. Therefore, the standard in behalf of law and order must be

raised in the name of the State. When county officers protest against the State sending her rangers and her State officials to a county to enforce the law, the protest is always made for the benefit of the criminal and not the law-abiding people. If a county were permitted to set up its own standard for law enforcement, then the criminals could take charge of some small county in Texas, and have a world of unrestrained lawlessness all their own. No parliament of gamblers, bootleggers, thieves, thugs, murderers, and trespassers of the law generally, should be permitted to establish courts, elect officers, and take charge of any county in this State. The law should be enforced and respected on every square foot of Texas soil.

In the name of law and order, and its efficient administration, I submit to you for your consideration, and recommend the passage of legislation on the following subjects:

1. To vest the courts of Texas with effective authority to remove from office any officer against whom it can be proven in open court and before a jury, that such officer has willfully and corruptly failed and refused to enforce, as he took an oath to enforce, the laws of the country.

2. To pass such laws as will make more effective the provisions of the Federal and State Constitutions which prohibit the manufacture, the sale, and the transportation, of intoxicating beverages.

3. A law providing that in criminal prosecutions, counsel for the State shall have a right to argue the fact that defendant failed to testify in his own behalf.

4. A law providing that no case, civil or criminal, shall be reversed for technical reasons that do not in any way touch the merits of the case; providing also for a modification of the court procedure requiring courts of appeal to write lengthy decisions on all questions raised in a case, permitting the judges to write short and simple decisions on all well established points of law.

Respectfully submitted,
PAT M. NEFF,
Governor.

Adjournment.

On motion of Senator Bailey, the Senate, at 3:25 p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, April 17, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 1, and find the same correctly enrolled and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, April 17, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 2, and find the same correctly enrolled and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, April 17, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred S. B. No. 13, A bill to be entitled An Act prohibiting the Board of Prison Commissioners from making any payment, settlement, trade or transaction whatsoever with respect to three certain notes heretofore executed by the Board of Prison Commissioners in the sum of \$31,250.00, payable to the Fort Bend Cotton Oil Company or order, and claimed to have been executed by the Board of Prison Commissioners in part payment for certain cottonseed oil mill properties situated in Richmond, Fort Bend County, Texas, claimed to have been purchased by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company and one certain other note in the sum of \$39,000.00, payable to Bassett Blakely or order and executed by the Board of Prison Commissioners in part payment for certain mules and horses purchased from Bas-

sett Blakely by the Board of Prison Commissioners in January, 1921; and creating an emergency.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Wednesday, April 18, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Doyle.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent.

Clark.

Absent—Excused.

Bledsoe.	Wirtz.
Davis.	Witt.
Rogers.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports and petitions and memorials.)

Excused.

Senator Bowers for today, on account of committee duties, on motion of Senator Doyle.

Bills on First Reading.

The following bills, introduced today, were each read first time and

referred to appropriate committees as follows:

By Senator Wood:

S. B. No. 18, A bill to be entitled "An Act continuing the work of the State Reclamation Engineer in connection with the defense and prosecution of suits affecting the boundaries of the State of Texas, authorizing the marking of such boundaries, making an emergency appropriation of twenty thousand dollars (\$20,000.00) therefor, and declaring an emergency."

To the Committee on Finance.

By Senator Floyd:

S. B. No. 19, A bill to be entitled "An Act to prohibit the manufacture, sale, barter, exchange, transportation, receipt, or possession of all alcoholic preparations of ginger."

To the Committee on Criminal Jurisprudence.

S. C. R. No. 4.

By Senator Baugh:

Whereas, It has become necessary for Hon. J. O. Woodward, judge of the Thirty-fifth Judicial District of Texas, to leave the State of Texas on or about the 13th day of April, 1923, and to be absent for a period of two (2) months; therefore, be it

Resolved, By the Legislature of the State of Texas that the said J. O. Woodward, judge of the Thirty-fifth Judicial District of Texas, be, and he hereby is, granted leave of absence for a period of two (2) months, beginning April 13, 1923, and terminating not later than June 13, 1923.

The resolution was read and adopted.

S. C. R. No. 5.

By Senator Burkett:

Whereas, Invitation has been extended to the Legislature by the Chambers of Commerce of Eastland, Ranger, Gorman, Carbon, Rising Star, and Cisco, of Eastland County, to visit the oil fields of Eastland and Stephens Counties, at the expense of said Chambers of Commerce; and,

Whereas, Because of the vast importance of the Legislature securing accurate, first-hand information as to the real value of products of the oil fields, that the Legislature may better